



UNITED STATES DEPARTMENT OF COMMERCE
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06/17, 042	04/01/88	HAZEN, J. L.	12345678

LEYDIG, VOIT, OSANN, MAYER & HOLT, LTD.
ONE IBM PLAZA, STE. 4600
CHICAGO, IL 60611

EXAMINER	
MATTISON	
ART UNIT	PAPER NUMBER
2074	76 17
DATE MAILED: 02/09/88	

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

*Amendment filed on 11/23/87 and
Supplemental amendment received on
02/03/1988*

This application has been examined Responsive to communication filed on 02/03/1988 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892. 2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449. 4. Notice of Informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474 6.

Part II SUMMARY OF ACTION

1. Claims 2-65, 69, 73-89 and 95-106 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims 90-94 have been cancelled.

3. Claims 34, 44-50, 52, 54, 63, 64, 65, 73, 74, 83-85 and 101¹⁰⁰ are allowed.

4. Claims 2-33, 35-43, 51, 53, 55-62, 76-82, 86-89, 95-99 and 102-106^{69 and 75} are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8. Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. These drawings are acceptable; not acceptable (see explanation).

10. The proposed drawing correction and/or the proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved. disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received

been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

15. This action is responsive to the communication filed November 23, 1987 and the supplemental amendment received on February 3, 1988.

16. As per request, claims 90-94 have been cancelled, and claims 2, 4-6, 8-12, 20, 21, 33-35, 44, 46, 49, 52, 55, 58, 60-63, 75, 76, 79-83, 87, 89, 95, 96, 99, 100, 102, 103 and 105 have been amended and claim 106 has been added. Thus, claims 2-65, 69, 73-89 and 95-106 remain pending in the application.

17. Claims 2-33, 35-43, 51, 53, 55-62, 69, 75-82, 86-89, 95-99 and 102-106 are again rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has again completely failed in overcoming rejections with regard to clarity and definiteness as required by statute. To characterize the examiner's rejection as "undue emphasis on 'technical' rejections" is in total disregard of Patent Office Policy. The Patent Office is devoted to issuing valid patents in which the invention has been claimed with the definiteness required. Without following this policy, the skilled artisan can not comprehend the scope of the invention which the inventor is attempting to protect. The following is a list of all of the errors regarding definiteness in the pending claims. Each error requires correction for clear interpretation of the claimed invention.

As per claim 103, "said data" has no antecedent in line 4. Further, "the purpose of" in line 6 is suggested by the examiner to be deleted for clarity. Further, "the load" in line 12 has no antecedent.

As to claim 8, no antecedent exists for "said pressure sensor assembly" in line 3.

As to claim 9, "said frame" in line 6 has no clear antecedent since it can be referencing two different, distinct frames.

As to claim 11, no antecedent exists for "said pressure sensor assembly" in line 7. Further, the word "remote" should be added after "said" for clarity in line 11.

As to claim 21, no antecedent exists for "the wear" or "the tires" in lines 6 and 7, respectively.

As to claim 33, no antecedent exists for "said processor means" in line 12.

As to claim 35, no antecedent exists for "the approximate weight" in lines 22 and 23.

As to claim 55, no antecedent exists for "the degree" in line 1. Further, "a" (second occurrence) should be changed to "an" in line 10.

As to claim 58, "means" should be inserted after "processor" for clarity in line 6.

As to claim 60, "means" should be inserted after "processor" for clarity in line 13.

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As to claim 75, "the routing" has no antecedent in lines 1 and 2.

As to claim 76, "each" should be inserted after "on-board" in line 9. In lines 11, 13 and 14, "said" should be inserted after "each", with "said" deleted in lines 13 and 14 before "each". Further "I.D." should be written out in full rather than abbreviated for clarity in lines 17 and 21.

As to claim 83, no antecedent exists for "the routing" in lines 1 and 2.

As to claim 87, no antecedent basis exists for "the weight", "the load", and "the body" in lines 1 and 2. Further "liited" is believed to be "limited" in line 7.

As to claim 95, no antecedent exists for "the pressure" in line 14.

As to claim 99, no antecedent exists for "the outside" and "the area of the tube" in lines 8-9 and line 19, respectively.

As to claim 102, no antecedent basis exists for "the routing" in lines 1-2.

As to claim 105, it is unclear what is meant by "pressure date" in line 8.

As to claim 19, no clear antecedent exists for "said data" in line 5 since there are many sets of "said data" to which it could be referring. Further, "said data samples" are unclear as to their antecedent in lines 7 and 8. Further, "the conditional" in line 10 is unclear and lacking a proper antecedent.

As to claim 26, no antecedent basis exists for "the front" and "the distribution" in lines 2 and 11, respectively.

As to claim 27, no antecedent basis exists for "the pressure" and "the hydraulic fluid", both in line 5. Further, "cylinder" should be made plural in line 6.

As to claim 28, no antecedent basis exists for "the relative location" and "the center", both in line 3.

As to claim 30, it is unclear why "said groups of sensor elements" is used in line 15 rather than "said plurality". Further, no antecedent basis exists for "the vehicle operator" in lines 17 and 18.

As to claim 32, no antecedent exists for "the tare weight" in lines 4 and 5.

As to claim 37, no antecedent exists for "the occurrence". Further, the last two lines of the claim are suggested to be changed to "to said display means indicative of a road condition".

As to claim 51, no antecedent exists for "the movement" in line 6.

As to claim 104, "the presence" in line 3 has no clear antecedent.

As to claim 39, no antecedent exists for "the approximate capacity" in line 3.

As to claim 53, no antecedent exists for "the pressure" in lines 1-2.

As to claim 69, "signaling" is believed to be "signalling" in line 22. Further, "the truck operator" has no antecedent in line 22.

As to claim 86, "the truck operator" has no antecedent in line 4.

As to claim 106, no antecedent basis exists for "the loading" (line 6), "the dumping" (line 7), "the movement" (line 10) and "the performance" (line 15). Further as to line 4, the phrase "characterized by" is again objected to. The instant invention must be distinctly claimed and not merely "characterized".

All dependent claims dependent on an insufficient base claim are rejected for being dependent on a claim with no clear meaning making their own meaning unclear.

The applicant must not discount the importance of distinctly claiming the invention. Each error clearly delineated above must be properly amended within the claims for further consideration by the examiner.

The examiner requests a complete set of consolidated claims to ease any further examination as necessary.

18. Applicant has cited additional art and a translation of a French patent in his supplemental information disclosure statement received on February 3, 1988. These references have not been considered since a copy of each reference, a form PTO-1449, a statement of relevance, and the aforementioned translation have not been received.

Art Unit 234

In response to this action, applicant is required to supply the dates of the references which were requested by the examiner, but not provided by the applicant in his last response.

19. The shortened statutory period for response expiration has been changed from the date of the communication mailed on January 29, 1988 to three months from the date of this letter.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

21. Any inquiry concerning this communication should be directed to Brian Mattson at telephone number 703-557-8057.

BM/ayc

2-4-88

PSL
PARSHOTAM S. LALL
PRIMARY EXAMINER
ART UNIT 234

BRIAN M. MATTSON
EXAMINER
ART UNIT 234

BM